

117TH CONGRESS  
1ST SESSION

# H. R. 3884

To suspend the provision of security assistance to the Philippines until the Government of the Philippines has made certain reforms to the military and police forces, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2021

Ms. WILD (for herself, Mr. LOWENTHAL, Ms. SCHAKOWSKY, Mr. JOHNSON of Georgia, Mr. RUSH, Mr. POCAN, Ms. OMAR, Ms. TITUS, Mr. BLUMENAUER, Ms. PORTER, Ms. MENG, Mr. GOMEZ, Ms. MCCOLLUM, and Mr. McGOVERN) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To suspend the provision of security assistance to the Philippines until the Government of the Philippines has made certain reforms to the military and police forces, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Philippine Human

5       Rights Act”.

1   **SEC. 2. FINDINGS.**

2       Congress finds the following:

3               (1) The U.S. State Department's 2020 Human  
4       Rights Report on the Philippines states "There were  
5       numerous reports of government security agencies  
6       and their informal allies committed arbitrary or un-  
7       lawful killings in connection with the government di-  
8       rected campaign against illegal drugs.". The Report  
9       goes on to state, "Government mechanisms to inves-  
10      tigate and punish abuse and corruption in the secu-  
11      rity forces were poorly resourced and remained  
12      largely ineffective". The United Nations Office of  
13      the High Commissioner on Human Rights in its an-  
14      nual report for the 44th Session of the Human  
15      Rights Council concluded that there is "long-stand-  
16      ing overemphasis on public order and national secu-  
17      rity at the expense of human rights has become  
18      more acute in recent years, and there are concerns  
19      that the vilification of dissent is being increasingly  
20      institutionalized and normalized in ways that will be  
21      very difficult to reverse;".

22               (2) The United States continues to provide sup-  
23       port via security assistance to the administration of  
24       Philippines President Duterte, whose brutal Drug  
25       War and other campaigns have taken the lives of  
26       over 30,000 urban poor, peasants, workers, indige-

1       nous and environmental activists as well as human  
2       rights defenders, religious leaders, and peace advo-  
3       cates.

4                     (3) Government agencies of the Philippines re-  
5       port 4,948 suspected drug users and dealers, includ-  
6       ing 60 children, died during police operations from  
7       July 1, 2016 to September 30, 2018, and according  
8       to Human Rights Watch, the Philippine National  
9       Police (PNP) have reported 22,983 deaths remain  
10      classified as “homicides under investigation” since  
11      the Drug War began.

12                   (4) As of December 2020, the Alliance for Ad-  
13       vancement of People’s Rights (“Karapatan”) has  
14       documented 376 extrajudicial political killings, 488  
15       victims of attempted politically motivated killings,  
16       222 victims of torture, around 3,600 victims of ille-  
17       gal arrests, over 100,000 victims of threats and har-  
18       assments, and nearly half a million internal refugees  
19       under the Duterte administration.

20                   (5) Duterte has blatantly targeted and publicly  
21       advocated for the killing of faith leaders. Catholic  
22       Bishops, priests, pastors, and laity have been threat-  
23       ened, intimidated, harassed and murdered for speak-  
24       ing out against extra-judicial killings and the war on  
25       drugs.

1                   (6) Duterte has also abused his office by targeting critics and political opponents for intimidation and elimination. Since Duterte took office, over 2  
2                   30 labor leaders have been murdered and 3 have  
3                   been jailed as political prisoners, over 25 mayors  
4                   and vice mayors have been assassinated, and Senator  
5                   Leila De Lima who has been a staunch critic  
6                   of the drug war killings having been detained for  
7                   over 4 years.

8                   (7) The international NGO Global Witness has  
9                   declared the Philippines to be the deadliest country  
10                  in the world for defenders of human rights, the environment,  
11                  and natural resources, with 30 environmentalists,  
12                  54 indigenous people, and 207 farmers  
13                  and peasants extrajudicially killed since Duterte  
14                  took office in 2016. Included in the targeting of environmental activists was American citizen, Brandon  
15                  Lee, who was subjected to an assassination attempt  
16                  on August 6, 2019. Brandon has been subjected to  
17                  repeated threats and harassment by the Philippine  
18                  military due to his advocacy relating to the land and  
19                  rights of indigenous people in Ifugao province and  
20                  the surrounding Cordillera region of the Philippines.  
21                  While Brandon Lee survived the attack, he has been  
22  
23  
24

1       left paralyzed and his assailants have not been  
2       brought to justice.

3                     (8) It is widely recognized that the Duterte ad-  
4       ministration silences dissent and the press. The  
5       State Department's 2019 Report states, "Govern-  
6       ment harassment of some media outlets occurred,  
7       however, and polls suggested many Filipinos con-  
8       sider it dangerous to publish information critical of  
9       the administration.". In May 2020, ABS-CBN, one  
10      of the Philippines' two major sources of news, and  
11      an occasional critic of Duterte's policies, was forced  
12      off air due to the denial of a franchise license by the  
13      Congress of the Philippines, at the behest of the  
14      Duterte administration. Similarly, Maria Ressa, a  
15      vocal critic of the Duterte administration, Times  
16      Magazine's Person of the Year 2018 recipient, and  
17      founder of the digital news site Rappler was con-  
18      victed of cyber libel in June 2020.

19                     (9) On July 3, 2020 the Anti-Terrorism Act of  
20      the Philippines was passed into law. While pur-  
21      porting to counter terrorism, the bill rolls back many  
22      civil liberties by lessening requirements for judicial  
23      warrants, allows for extended pre-trial detention,  
24      and allows for the prosecution of conduct that is  
25      considered protected political speech. The Anti-Ter-

1 rorism Act is viewed by many as a threat to Free-  
2 dom of Speech in the Philippines and yet another  
3 tool the Duterte administration will use to silence  
4 critics and political rivals. Representative Jan Scha-  
5 kowsky, along with 49 other members of the U.S.  
6 Congress, urged the government of the Philippines  
7 to repeal “this repressive legislation”.

8 (10) The practice of “red-tagging”, wherein the  
9 government labels activists, critics, and non-govern-  
10 mental organizations as terrorists, has been growing  
11 in the Philippines from 2020 to 2021. This tactic is  
12 used to isolate individuals or groups and, in many  
13 cases, mark them for harassment or assassination by  
14 Philippines security or paramilitary forces.

15 (11) On March 7, 2021, the Armed Forces of  
16 the Philippines (AFP) and Philippines National Po-  
17 lice (PNP) carried out a series of joint operations  
18 across Calabarzon. The operations led to the murder  
19 of nine activists and the arrest of six others. The  
20 victims were members of progressive organizations  
21 that advocated around issues of labor, land and in-  
22 digenous rights, environmental protections, and  
23 housing rights for the urban poor. The Philippine  
24 government claims that it carried out the raids in  
25 Calabarzon to execute valid search warrants for

1       weapons and that the killings only resulted from the  
2       victims resisting arrest. This claim has been met  
3       with extreme skepticism due to the government's  
4       history of fabricating evidence and "red-tagging"  
5       progressive groups and activists. Further suspicion  
6       was cast on the allegations of resisting arrest when  
7       family members of the victims were prohibited by  
8       the PNP and AFP from collecting the victim's bod-  
9       ies. Following the attacks in Calabarzon, Duterte's  
10      spokesperson endorsed the killings of the activists  
11      and security forces began to surveil and harass  
12      human rights groups that are investigating the  
13      killings.

14           (12) The United States continues to arm state  
15       security forces of the Philippines. Despite clear doc-  
16       umentation of abuses and international condemna-  
17       tion, in April 2020, the United States announced a  
18       pair of arms sales totaling \$2,000,000,000 for items  
19       including hellfire missiles and attack helicopters. In  
20       July 2020, the United States announced an addi-  
21       tional sale of \$126,000,000 worth of assault boats  
22       and armaments.

23 **SEC. 3. SUSPENSION OF SECURITY ASSISTANCE.**

24           (a) SUSPENSION OF SECURITY ASSISTANCE.—No  
25       Federal funds are authorized to be appropriated or other-

1 wise made available to provide assistance for the police  
2 or military of the Philippines, including assistance in the  
3 form of equipment or training, until the date described  
4 in subsection (d).

5 (b) LOANS FROM MULTILATERAL DEVELOPMENT  
6 BANKS.—The President shall instruct United States rep-  
7 resentatives at multilateral development banks to vote  
8 against providing any loans to the police or military of  
9 the Philippines.

10 (c) REPORT REQUIRED.—Not later than 180 days  
11 after the date of the enactment of this Act, the Inspectors  
12 General of the Department of State and Department of  
13 Defense shall jointly submit to the Committee on Foreign  
14 Affairs of the House of Representatives and the Com-  
15 mittee on Foreign Relations of the Senate a report that—

16 (1) specifies all forms of security assistance or  
17 loans made available to the Philippine National Po-  
18 lice or the armed forces of the Philippines, including  
19 any organizations or individuals operating with the  
20 authority of the Philippine National Police or the  
21 armed forces of the Philippines, by the United  
22 States or by multilateral development banks during  
23 the period beginning January 1, 2016, and ending  
24 on the date of the submission of the report;

1                         (2) contains all reports generated by recipients  
2                         of United States security assistance or loans from  
3                         multilateral development banks to the Philippines  
4                         with respect to the use, investment, or transfer of  
5                         such assistance or loans; and

6                         (3) details any and all misuses of security as-  
7                         sistance and loans during the period beginning Jan-  
8                         uary 1, 2016, and ending on the date of the submis-  
9                         sion of the report by the Philippine National Police,  
10                         the armed forces of the Philippines, or any affiliated  
11                         groups or individuals, such as extrajudicial killings,  
12                         intimidation of political opponents, illegal sales  
13                         under Philippine or international law, or misappro-  
14                         priation.

15                         (d) CONDITIONS FOR LIFTING SUSPENSION OF AS-  
16                         SISTANCE.—The suspension of security assistance under  
17                         subsection (a) shall terminate on the date on which the  
18                         Secretary of State certifies to the Committee on Foreign  
19                         Affairs of the House of Representatives and the Com-  
20                         mittee on Foreign Relations of the Senate that the Gov-  
21                         ernment of the Philippines has—

22                         (1) investigated and successfully prosecuted  
23                         members of military and police forces who have vio-  
24                         lated human rights, ensured that the military and

1       police cooperated in such cases, and affirmed that  
2       such violations have ceased;

3               (2) withdrawn the military from involvement in  
4       domestic policing activities, in accordance with the  
5       Philippine Constitution, and ensured that all domes-  
6       tic police functions are separated from the military  
7       chain of command and are instead directly respon-  
8       sible to civilian authorities;

9               (3) established that it effectively protects the  
10      rights of trade unionists, journalists, human rights  
11      defenders, critics of the government, faith and reli-  
12      gious leaders, and other civil society activists to op-  
13      erate without interference;

14               (4) taken effective steps to guarantee a judicial  
15      system that is capable of investigating, prosecuting,  
16      and bringing to justice members of the police and  
17      military who have committed human rights abuses;  
18      and

19               (5) fully complied with domestic and United  
20      States audits and investigations regarding the im-  
21      proper use of prior security assistance.

